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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,198	06/20/2003	James A. Haberstroh	14183 (6365/89766)	7564

44986 7590 12/28/2004

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EXAMINER

WEEKS, GLORIA R

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

05

Office Action Summary

Application No.

10/600,198

Applicant(s)

HABERSTROH ET AL.

Examiner

Gloria R Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 and 9-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to Applicants' amendment received on August 9, 2004.
2. The indicated allowability of claims 8, 11 and 13 is withdrawn in view of the newly discovered reference(s) to Takami (USPN 4,559,767). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takami (USPN 4,559,767) in view of Gurak et al. (USPN 5,333,438).

In reference to claims 1-7 and 9-18, Takami discloses a feed system for a strapping machine comprising: a strap chute (5) and a strap supply (21) with a strapping head (3, 4) located between the strap chute (5) and the strap supply (21); a pair of tensioning wheels (28, 29) disposed along the strap path proximal the strap supply (21), wherein the tensioning wheels (28, 29) are moveable into and out of engagement with one another (column 4 lines 5-10; column 5 lines 58-61); a pair of feed wheel (30, 31) disposed along the strap path proximal the strapping head (3, 4), the feed wheels (30, 31) defining a nip therebetween in which one feed wheel is a driven feed wheel (31) and the other is an idle feed wheel (30; figure 2); a drive (M₂) connected to the feed wheels (30, 31) and tensioning wheels (28, 29; figure 2), wherein the drive is a

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reversible motor; wherein a strap material (8) is conveyed around the strap chute (5) by forward rotation of the feed wheels (30, 31; column 4 lines 24-32), and retracted around a load by reverse rotation of the feed wheels (30, 31; column 4 lines 48-51; column 6, lines 14-23). Takami discloses the use of sensors for monitoring the tension in the strap (8), but does not disclose the use of a sensor for monitoring the presence or lack of movement of the strap.

Gurak et al. discloses a feed system for a strapping machine, the feed system comprising: a strap path from the strap supply (42, 52) to the strapping head (106); a pair of tensioning wheels (120) disposed along the strap path proximal the strap supply (42, 52); a pair of feed wheels (76) disposed along the strap path proximal the strapping head (106) that rotate in a direction to feed the strap around the chute (122), and a reverse direction to retract the strap material (column 6, lines 40-44); a feed wheel drive (78) operably connected to one of the feed wheels (76), and a tensioning wheel drive operably connected to one of the tensioning wheels (120); and a sensor (144, 110, 111) disposed along the strap path for generating a signal to indicate a movement or a lack of movement of the strap material along the strap path (column 6, lines 40-45; column 8, lines 41-54). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the sensor system of Takami to include the feed sensors of Gurak et al. for the purpose of monitoring misfeeds or jams in the strapping machine.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 and 9-18 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

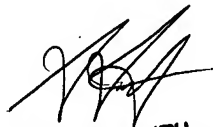
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott A Smith can be reached on (571) 272-4469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gloria R Weeks
Examiner
Art Unit 3721


grw

December 21, 2004


SCOTT A. SMITH
PRIMARY EXAMINER